

**EXHIBIT 1**

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

|  |   |                     |
|--|---|---------------------|
| <b>TEDDY STRATFORD APPAREL LLC,</b>      | ) |                     |
| <b>and BRYAN DAVIS,</b>                  | ) | <b>Case No. 23-</b> |
|  | ) |                     |
| <b>Plaintiffs,</b>                       | ) |                     |
|  | ) | <b>Judge:</b>       |
| <b>vs.</b>                               | ) |                     |
|  | ) | <b>Magistrate:</b>  |
| <b>THE ENTITIES listed on EXHIBIT 1,</b> | ) |                     |
|  | ) |                     |
| <b>Defendants.</b>                       | ) |                     |

**DECLARATION OF BRYAN DAVIS**

I, Bryan Davis, declare as follows:

1. I am over 18 years of age. I make this declaration in support of Plaintiffs' *Ex Parte* Motion for Entry of Temporary Restraining Order (the "Motion for TRO") and, if called to testify as a witness under oath, I could and would competently testify as follows:

2. I am the President and Chief Executive Officer of Plaintiff Teddy Stratford Apparel LLC ("Teddy Stratford"), a limited liability company duly organized and existing under the laws of the State of Delaware.

3. Teddy Stratford is a U.S.-based company established in 2011, and launched its first product in 2014. Teddy Stratford sells the high-end "Zip Fit Shirt" and related apparel, which are protected by two design patents, registered trademarks for "Zip Fit Shirt" and "Teddy Stratford", and multiple copyrights for images and videos created by Teddy Stratford to promote its products online and on social media.

4. With the exception of US Design Patent No. US D775,457 S (Zippered Shirt with Faux Button Placket) (Patent #1), which is in my name, Teddy Stratford is the owner of certain

intellectual property including the following:

- Trademark “Zip Fit Shirt”: Registration Number 7111111;
- Trademark “Teddy Stratford”: Registration Number 5762318;
- Design Application Serial Number 98124876 (Stylized Mark)<sup>1</sup>;
- US Patent No. US 9,750,285 B2 (Shirt Collar Locking System and Apparatus) (Patent #2); and
- EUIPO Design No. 002868018.

Patent #1 has been used continuously used by Teddy Stratford with my authorization. The applications to register Teddy Stratford’s various copyrights over its videos and images are pending. Plaintiff intend to supplement when the copyrights have been registered.

5. Teddy Stratford maintains a website at [www.teddystratford.com](http://www.teddystratford.com). The website receives, on average, approx. 48,000 visitors per month.

6. I am the recognizable, public-facing spokesmen for Teddy Stratford, modeling and promoting its apparel through photographs and videos on its website and shared on social media.

7. Teddy Stratford has invested significant expense, time, and effort to create strongmarket and consumer recognition for its Teddy Stratford and Zip Fit Shirt trademarks (the “Marks”) worldwide, including in mainland China and throughout Asia. Teddy Stratford has spent approx. \$6,000,000 in brand development, marketing, advertising agencies, and promoting its brand and its products.

8. Teddy Stratford’s products have been advertised, promoted, offered for sale, and sold internationally, including in Europe, South America, the Middle East, Southeast Asia, and China.

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<sup>1</sup> Mark consists of: 

9. The Marks and other intellectual property belong exclusively to Teddy Stratford and have never been licensed to third parties. The Zip Fit Shirt and other Teddy Stratford products are recognized in the world as innovative and unique apparel, and have been extensively promoted and advertised at great expense to Teddy Stratford.

10. The Marks are distinctive when applied to Teddy Stratford brand. The Marks signify to prospective purchasers that the products produced by Teddy Stratford are manufactured to the highest quality standards. As such, the goodwill associated with the Marks is of incalculable and inestimable value.

11. Equally distinctive are the videos and images that Teddy Stratford created using my likeness. Each of the videos and images were produced by Teddy Stratford. Neither I or Teddy Stratford ever authorized any third party to use my likeness to promote or advertise apparel, clothing, or any other product.

12. The overwhelming success of the Teddy Stratford brand has resulted in significant counterfeiting by individuals and entities who unlawfully use the trademarks and goodwill built by Teddy Stratford in the highly competitive apparel industry, selling cheap imitation counterfeits under the Teddy Stratford brand. Consequently, Teddy Stratford regularly investigates suspicious websites and online marketplace listings identified in proactive internet sweeps and reported by consumers.

13. These investigations have established that Defendants are using the various social media sites like Meta (d/b/a Instagram and f/k/a Facebook), TikTok, and YouTube to advertise Teddy Stratford products using copyrighted materials created by Teddy Stratford, and using websites and webstores on platforms such as Shopify, Amazon, Wish, eBay, Pinterest, etc. to sell Counterfeit Products from foreign countries such as China to consumers in the United

States and the State of Illinois, including the Northern District of Illinois.

14. Teddy Stratford has analyzed each of the Infringing Websites and determined that Counterfeit Products were being offered for sale to residents of the United States and the State of Illinois. Through visual inspection of the products as they appeared on the Infringing Websites, the Defendants are doing one or more of the following in violation of the Plaintiffs' rights: (a) using images that are protected by Plaintiff Teddy Stratford's copyrights, (b) displaying Plaintiff's Marks purporting, (c) purporting to offer products incorporating Plaintiffs' design and utility patents, and (d) using Plaintiff Davis's likeness to promote and advertise the products.<sup>2</sup> The unrealistically low prices at which the Counterfeit Products are offered for sale and do not conduct business with Teddy Stratford and do not have the right or authority to use the Marks, the copyrighted materials, the patents, or my likeness for any reason, also indicate that they are counterfeit products.

15. Teddy Stratford has conducted test purchases of these products and confirmed that these products (a) can be shipped to Chicago, Illinois, and (b) are clearly counterfeit, of low quality, and that they attempt to employ designs protected by Teddy Stratford's design patents, including its patented "zip fit" design.

16. Each sale made by the Defendants through a website or webstore, and each advertisement on social media that directs a viewer to a Defendant's website or store, results in a direct loss to Teddy Stratford.

17. Equally, harmful, each counterfeit product of lesser quality shipped by Defendants results in damage to Teddy Stratford's reputation. Teddy Stratford has received multiple complaints made online and directly to Teddy Stratford from consumers who thought

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<sup>2</sup> Which of Plaintiffs' rights each Defendant is infringing is indicated on Exhibit 1 to the Complaint.

that they were purchasing a genuine Teddy Stratford apparel, only to receive a lesser-quality product.

18. Monetary damages cannot adequately compensate Teddy Stratford for ongoing infringement because monetary damages fail to address the loss of control and damage to the loss of reputation and goodwill. Furthermore, monetary damages are difficult, if not impossible, to ascertain due to the inability to calculate measurable damage in dollars and cents caused to our reputation and goodwill by acts of infringement.

19. Teddy Stratford's goodwill and reputation are irreparably damaged when its Marks, copyrights, and patents are used on goods not authorized, produced, or manufactured by Teddy Stratford. The extent of harm to Teddy Stratford's reputation and goodwill, and the possible diversion of customers due to loss in brand confidence are largely unquantifiable.

20. The sale of Counterfeit Products demonstrably has caused and will continue to cause consumer confusion that weakens the value of the Marks and the recognition and reputation of the Teddy Stratford brand.

21. Both I and Teddy Stratford will suffer immediate and irreparable injury, loss, or damage if counterfeiters are allowed to continue to use images of myself, the Teddy Stratford Marks, copyrights, and patents to promote and sell unauthorized, inferior product.

[Signature page to follow]

I declare under penalty of perjury under the laws of the United States of America that  
the foregoing is true and correct.

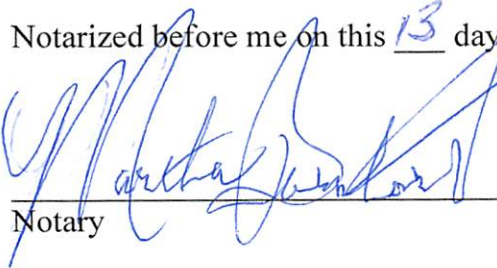
Dated this 12th day of September, 2023.



Bryan Davis, both individually and as  
President and Chief Executive Officer  
Teddy Stratford Apparel LLC

NOTARY:

Notarized before me on this 13 day of September, 2023.

  
Notary

[seal]

My commission expires on: \_\_\_\_\_

